

AMENDED IN ASSEMBLY MAY 6, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 455**

**Introduced by Assembly Member Chu**  
*(Coauthor: Assembly Member Levine)*

February 14, 2003

An act to add Article 10.3 (commencing with Section 25214.11) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 455, as amended, Chu. Packaging materials: regulated metals.

(1) Existing hazardous waste control laws regulate the disposal of discarded appliances, lead acid batteries, small household batteries, recyclable latex paint, and household hazardous waste. Existing law prohibits any person from managing any hazardous waste, except as provided in the hazardous waste control laws and regulations. A violation of the hazardous waste control laws is a crime.

This bill would enact the "Toxics in Packaging Prevention Act," and would define terms. The act would prohibit, on and after January 1, 2006, a manufacturer, *supplier*, or distributor, as defined, from offering for sale or for promotional purposes in this state any package or packaging component that includes any *regulated metal*, defined as lead, cadmium, mercury, or hexavalent chromium, if that regulated metal has been intentionally introduced as an element during manufacturing or distribution, as defined. The act would also prohibit,



on and after January 1, 2006, a manufacturer, *supplier*, or distributor from offering for sale or for promotional purposes in this state any product in a package that includes those intentionally introduced regulated metals. The bill would specify a schedule for the summed incidental concentration ~~levels of lead, cadmium, mercury, and hexavalent chromium~~ *level of regulated metal* that may be present in ~~any~~ *a single component* package or *individual* packaging component, which would be set at 600 parts per million by weight between January 1, 2006, and January 1, 2007, 250 parts per million by weight on and after January 1, 2007, and *until* January 1, 2008, and 100 parts per million by weight thereafter.

The bill would ~~exempt~~ *provide an exemption process*, from those requirements, *for* a package or a packaging component that meets specified conditions, including, among other things, if the ~~lead, cadmium, mercury, or hexavalent chromium~~ *regulated metal* is added to comply with specified health or safety requirements of a *state or* federal law, or if there is no feasible alternative for adding ~~those~~ regulated ~~metals~~ *metal*. The bill would also ~~exempt~~ *provide an exemption process*, from those requirements, *for* a package or packaging component ~~manufactured on or before January 1, 2010~~, that has a controlled distribution and reuse, if the manufacturer or distributor ~~has submitted a plan~~ *submits information* to the department that complies with specified requirements, ~~and~~ *including demonstrating that* there is an environmental benefit of the controlled distribution and reuse. ~~The bill would provide that some exemptions expire on January 1, 2010.~~ The bill would require a manufacturer or distributor that requests ~~an exemption to pay a fee for the costs of reviewing and approving the request.~~ ~~The bill would require the fee specified exemptions to enter into a written agreement with the department, pursuant to which the manufacturer or distributor would reimburse the department for costs incurred by the department in processing or responding to the request. The bill would require all reimbursements received by the department to be deposited in the Hazardous Waste Control Account, to be expended by the Department of Toxic Substances Control, only upon appropriation by the Legislature and only for the costs of conducting those reviews.~~

The bill would require, on and after January 1, 2006, each manufacturer, *distributor*, or *supplier* to furnish a certificate of compliance to the purchaser of a package or packaging component stating that the package or packaging component is in compliance with



the act. The bill would require a purchaser to retain the certificate of compliance for as long as the package or packaging component is in use *by the purchaser*. The bill would require the department to provide the public with access to the information submitted by a manufacturer, *distributors*, or supplier.

The department would be required, by January 1, 2009, and at least once every 5 years thereafter, in consultation with the Toxics in Packaging Clearinghouse, to review the implementation of the act and to submit a report, based upon that review, to the Governor and the Legislature. The department would also be required to review the ~~extension~~ *expiration date* of ~~any~~ *an exemption condition*, pursuant to a specified procedure.

Because a violation of the bill’s requirements would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 10.3 (commencing with Section  
2 25214.11) is added to Chapter 6.5 of Division 20 of the Health and  
3 Safety Code, to read:

4  
5 Article 10.3. Toxics in Packaging Prevention Act

6  
7 25214.11. (a) The Legislature finds and declares all of the  
8 following:

9 (1) The management of solid waste can pose a wide range of  
10 hazards to public health and safety and to the environment.

11 (2) Packaging comprises a significant percentage of the overall  
12 solid waste stream.

13 (3) The presence of heavy metals in packaging is a part of the  
14 total concern regarding the disposal of hazardous waste in the solid  
15 waste stream, in light of the presence of heavy metals in emissions



1 or ash when packaging is incinerated, or in leachate when  
2 packaging is disposed of in a solid waste landfill.

3 (4) Lead, mercury, cadmium, and hexavalent chromium, on the  
4 basis of available scientific and medical evidence, are of particular  
5 concern.

6 (5) It is desirable, as a first step in reducing the toxicity of  
7 packaging waste, and reducing the hazardous materials that may  
8 be disposed of in solid waste landfills, to eliminate the addition of  
9 these heavy metals to packaging.

10 (6) The intent of this article is to achieve this reduction in  
11 toxicity without impeding or discouraging the expanded use of  
12 recycled materials in the production of packaging and its  
13 components.

14 (b) This article shall be known, and may be cited as, the  
15 “Toxics in Packaging Prevention Act.”

16 25214.12. For purposes of this article, the following terms  
17 have the following meanings:

18 (a) “Consumer” means a person who purchases, and takes title  
19 to, a package, or a product in a package, for purposes of that  
20 consumer’s own use or consumption.

21 (b) “Distribution” means the practice of taking title to a  
22 package or a packaging component for promotional purposes or  
23 resale. A person involved solely in delivering a package or a  
24 packaging component on behalf of a third party is not engaging in  
25 distribution.

26 (c) “Distributor” means any person, firm, or corporation who  
27 takes title to a good, produced either domestically or in a foreign  
28 country, that is purchased for resale or promotional purposes.  
29 “Distributor” does not include a person involved solely in  
30 delivering a package or a packaging component on behalf of a third  
31 party.

32 (d) (1) “Intentional introduction” means the act of  
33 deliberately utilizing a regulated metal in the formation of a  
34 package or packaging component where its continued presence is  
35 desired in the final package or packaging component to provide a  
36 specific characteristic, appearance, or quality.

37 (2) “Intentional introduction” does not include either of the  
38 following:

39 (A) The use of a regulated metal as a processing agent or  
40 intermediate to impart certain chemical or physical changes during



1 manufacturing, where the incidental retention of a residue of that  
2 metal in the final package or packaging component is not desired  
3 or deliberate, if the final package or packaging component is in  
4 compliance with subdivision (c) of Section 25214.13.

5 (B) The use of recycled materials as feedstock for the  
6 manufacture of new packaging materials, where some portion of  
7 the recycled materials may contain amounts of a regulated metal,  
8 if the new package or packaging component is in compliance with  
9 subdivision (c) of Section 25214.13.

10 (e) “Incidental presence” means the presence of a regulated  
11 metal as an unintended or undesired ingredient of a package or  
12 packaging component.

13 (f) “Manufacturer” means any person, firm, association,  
14 partnership, or corporation producing a package or packaging  
15 component.

16 (g) “Manufacturing” means the physical or chemical  
17 modification of a material to produce packaging or a packaging  
18 component.

19 (h) “Package” means any container, produced either  
20 domestically or in a foreign country, providing a means of  
21 marketing, protecting, or handling a product, including a unity  
22 package, an intermediate package or a shipping container, as  
23 defined in the American Society of Testing and Materials (ASTM)  
24 specification D 996. “Package” also includes unsealed  
25 receptacles, such as carrying cases, crates, cups, pails, rigid foil  
26 and other trays, wrappers and wrapping films, bags, and tubs.

27 (i) “Packaging component” means any individual assembled  
28 part of a package that is produced either domestically or in a  
29 foreign country, including, but not necessarily limited to, any  
30 interior or exterior blocking, bracing, cushioning,  
31 weatherproofing, exterior strapping, coatings, closures, ~~inks, and~~  
32 ~~labels~~, *dyes, pigments, adhesives, stabilizers, or any other*  
33 *additives*. Tin-plated steel that meets the American Society for  
34 Testing and Materials (ASTM) specification A 623 shall be  
35 considered as a single package component. Electrogalvanized  
36 coated steel and hot dipped coated galvanized steel that meet the  
37 American Society for Testing and Materials (ASTM)  
38 qualifications A 525 and A 879 shall be treated in the same manner  
39 as tin-plated steel.



1 (j) “Purchaser” means ~~any~~ a person who purchases and takes  
2 title to a package, ~~a packaging component, or a product in a~~  
3 ~~package, from a manufacturer or supplier, but does not include a~~  
4 ~~consumer.~~ *or a packaging component, from a manufacturer or*  
5 *supplier, for the purpose of packaging a product manufactured,*  
6 *distributed, or sold by the purchaser.*

7 (k) “Recycled material” means a material ~~that has been reused~~  
8 ~~in the production of another product and has been diverted from~~  
9 ~~disposal in a landfill.~~ *generated by a business or a consumer that*  
10 *has been separated from solid waste for the purpose of recycling*  
11 *the material as a secondary material feedstock. Recycled*  
12 *materials include paper, plastic, wood, glass, ceramics, metals,*  
13 *and other materials, except that recycled material does not include*  
14 *a regulated metal that has been separated from other materials*  
15 *into its elemental or other chemical state for recycling as a*  
16 *secondary material feedstock.*

17 (l) “Regulated metal” means ~~a material specified in~~  
18 ~~subdivision (e) of Section 25214.13.~~ *lead, mercury, cadmium, or*  
19 *hexavalent chromium.*

20 (m) “Supplier” means any person, firm, association,  
21 partnership, or corporation that sells, offers for sale, or offers for  
22 promotional purposes, a package or packaging component that is  
23 used by any other person, firm, association, partnership, or  
24 corporation to package a product.

25 (n) “Toxics in Packaging Clearinghouse” means the Toxics in  
26 Packaging Clearinghouse (TPCH) of the Council of State  
27 Governments, which was formed in 1992 to promote model toxics  
28 in packaging legislation in an effort to reduce the amount of heavy  
29 metals in packaging and packaging components that are sold or  
30 distributed throughout the United States.

31 25214.13. (a) Except as provided in Section 25214.14, on  
32 and after January 1, 2006, a manufacturer ~~or distributor,~~  
33 ~~distributor, or supplier~~ may not offer for sale or for promotional  
34 purposes in this state ~~any~~ a package or packaging component that  
35 includes ~~any lead, cadmium, mercury, or hexavalent chromium~~ *a*  
36 *regulated metal*, in the package itself, or in ~~any~~ a packaging  
37 component, ~~ink, dye, pigment, adhesive, stabilizer, or any other~~  
38 ~~additive,~~ if the regulated metal has been intentionally introduced  
39 as an element during manufacturing or distribution.



1 (b) Except as provided in Section 25214.14, on and after  
2 January 1, 2006, a manufacturer ~~or distributor, distributor, or~~  
3 ~~supplier~~ may not offer for sale or for promotional purposes in this  
4 state ~~any a~~ product in a package that includes ~~any lead, cadmium,~~  
5 ~~mercury, or hexavalent chromium~~ *a regulated metal*, in the  
6 package itself, or in ~~any a~~ packaging component, ~~ink, dye,~~  
7 ~~pigment, adhesive, stabilizer, or any other additive~~, if the regulated  
8 metal has been intentionally introduced as an element during  
9 manufacturing or distribution.

10 (c) Except as provided in Section 25214.14, the summed  
11 incidental concentration ~~levels of lead, cadmium, mercury, and~~  
12 ~~hexavalent chromium present in any level of regulated metal~~  
13 ~~present in single-component~~ package or *individual* packaging  
14 component may not exceed the following:

15 (1) On and after January 1, 2006, until January 1, 2007, 600  
16 parts per million by weight.

17 (2) On and after January 1, 2007, until January 1, 2008, 250  
18 parts per million by weight.

19 (3) On and after January 1, 2008, 100 parts per million by  
20 weight.

21 25214.14. A package or a packaging component is exempt  
22 from the requirements of Section 25214.13, and shall be deemed  
23 in compliance with this article, if the package or packaging  
24 component meets any of the following conditions:

25 (a) The package or packaging component is marked with a code  
26 indicating a date of manufacture prior to January 1, 2004.

27 ~~(b) (1) Lead, cadmium, mercury, or hexavalent chromium has~~  
28 ~~2006.~~

29 ~~(b) (1) A manufacturer of a package or packaging component~~  
30 ~~has obtained an exemption, pursuant to the process described in~~  
31 ~~paragraph (2), for a regulated metal that has been added to the~~  
32 ~~package or packaging component in the manufacturing, forming,~~  
33 ~~printing, or distribution process to comply with the health or safety~~  
34 ~~requirements of a federal or state law.~~

35 ~~(2) A manufacturer of a package or packaging component may~~  
36 ~~request the department for an exemption pursuant to this~~  
37 ~~subdivision for a particular package or packaging component, and~~  
38 ~~the department shall grant an exemption from Section 25214.13~~  
39 ~~for up to two years, if the package or packaging component is~~  
40 ~~eligible for the exemption. The department shall renew an~~



1 ~~exemption granted pursuant to this subdivision, upon~~  
2 ~~reapplication for exemption, if the package or packaging~~  
3 ~~component is eligible for an exemption during the period for~~  
4 ~~which the exemption is requested.~~

5 (2) *The department shall grant an exemption under*  
6 *paragraph (1) from Section 25214.13 for two years only if both of*  
7 *the following conditions are met:*

8 (A) *The manufacturer of the package or packaging component*  
9 *submits supporting information with the request for an initial and*  
10 *a renewed exemption.*

11 (B) *The supporting information demonstrates that the package*  
12 *or packaging component is eligible for the exemption.*

13 (c) (1) ~~The package or packaging component exceeds the~~  
14 ~~maximum contaminant levels concentration level set forth in~~  
15 ~~subdivision (c) of Section 25214.13 only because of the addition~~  
16 ~~of a recycled material.~~

17 (2) ~~Paragraph (1) does not apply to any cadmium, lead,~~  
18 ~~mercury, or hexavalent chromium that has been recovered or~~  
19 ~~separated from other materials for use as a metal or metallic~~  
20 ~~compound.~~

21 (3) ~~This subdivision shall apply only to a package or packaging~~  
22 ~~component manufactured on or before January 1, 2010.~~

23 (d) (1) ~~A package or packaging component to which lead,~~  
24 ~~cadmium, mercury, or hexavalent chromium has been added in the~~  
25 ~~manufacturing, forming, printing, or distribution process, and for~~  
26 ~~which there is no feasible alternative for that use.~~

27 (2) ~~A manufacturer of a package or packaging component may~~  
28 ~~request the department for an exemption pursuant to this~~  
29 ~~subdivision for a particular package or packaging component, and~~  
30 ~~the department shall grant an exemption from Section 25214.13~~  
31 ~~for up to two years, if the package or packaging component is~~  
32 ~~eligible for the exemption. The department shall renew an~~  
33 ~~exemption granted pursuant to this subdivision, upon~~  
34 ~~reapplication for exemption, if the package or packaging~~  
35 ~~component is eligible for an exemption during the period for~~  
36 ~~which the exemption is requested.~~

37 (3) ~~For purposes of this subdivision, “a use for which there is~~  
38 ~~no feasible alternative” is one for which the regulated substance~~  
39 ~~is essential to the~~



1 (2) *This subdivision, and all exemptions provided pursuant to*  
2 *it, expire on January 1, 2010.*

3 (d) (1) *A manufacturer of a package or packaging component*  
4 *has obtained an exemption, pursuant to the process described in*  
5 *paragraph (2), for use of a regulated metal for which there is no*  
6 *feasible alternative in the manufacturing, forming, printing, or*  
7 *distribution process.*

8 (2) *The department shall grant an exemption under paragraph*  
9 *(1) from Section 25214.13 for two years only if both of the*  
10 *following conditions are met:*

11 (A) *The manufacturer of the package or packaging component*  
12 *submits supporting information with the request for an initial and*  
13 *a renewed exemption.*

14 (B) *The supporting information demonstrates that the package*  
15 *or packaging component is eligible for the exemption.*

16 (3) *Notwithstanding paragraph (2), the department may not*  
17 *exempt the use of a regulated metal pursuant to this subdivision for*  
18 *the purposes of marketing.*

19 (4) *For purposes of this subdivision, “no feasible alternative”*  
20 *means the use of a regulated metal is essential to the protection,*  
21 *safe handling, or function of the package’s contents and for which*  
22 *technical constraints preclude the substitution of other materials.*  
23 ~~*However, the department may not exempt the use of any regulated*~~  
24 ~~*metal pursuant to this subdivision for the purposes of marketing.*~~

25 (e) (1) *A package or packaging component that is reused but*  
26 *exceeds the ~~contaminant levels~~ summed incidental concentration*  
27 *level of regulated metal set forth in subdivision (c) of Section*  
28 *25214.13, if all of the following apply:*

29 (A) *The product being conveyed by the package or the package*  
30 *or packaging component is otherwise regulated under a federal or*  
31 *state health or safety requirement.*

32 (B) *The transportation of the packaged product is regulated*  
33 *under federal or state transportation requirements.*

34 (C) *The disposal of the package is otherwise performed*  
35 *according to the requirements of this chapter or Chapter 8*  
36 *(commencing with Section 114960) of Part 9 of Division 104.*

37 ~~*(2) This subdivision shall apply only to a package or packaging*~~  
38 ~~*component manufactured on or before January 1, 2010.*~~



1 ~~(f) (1) A package or packaging component that has a~~  
2 ~~controlled distribution and reuse that exceeds the contaminant~~  
3 ~~levels set forth in subdivision (c) of Section 25214.13.~~

4 ~~(2) A manufacturer or distributor of a package or packaging~~  
5 ~~component may request the department for an exemption pursuant~~  
6 ~~to this subdivision for a particular package or packaging~~  
7 ~~component. The department shall grant an exemption from~~  
8 ~~Section 25214.13 pursuant to this subdivision for up to two years;~~  
9 ~~if the manufacturer or distributor submits to the department a plan,~~  
10 ~~pursuant to paragraph (3), that complies with this article, and the~~  
11 ~~environmental benefit of the controlled distribution and reuse is~~  
12 ~~significantly greater, as compared to the same package~~  
13 ~~manufactured in compliance with the maximum contaminant~~  
14 ~~levels set forth in subdivision (c) of Section 25214.13.~~

15 ~~(3) The plan that a manufacturer~~

16 ~~(2) This subdivision, and all exemptions provided pursuant to~~  
17 ~~it, expire on January 1, 2010.~~

18 *(f) (1) A manufacturer or distributor of a package or*  
19 *packaging component has obtained an exemption, pursuant to the*  
20 *process described in paragraph (2), for use of a regulated metal*  
21 *that exceeds the summed incidental concentration level set forth*  
22 *in subdivision (c) of Section 25214.13 in a package or packaging*  
23 *component that has a controlled distribution and reuse.*

24 *(2) The department shall grant an exemption under paragraph*  
25 *(1) from Section 25214.13 for two years only if both of the*  
26 *following conditions are met:*

27 *(A) The manufacturer or distributor of the package or*  
28 *packaging component submits supporting information that*  
29 *complies with the requirements set forth in paragraph (3) with the*  
30 *request for an initial and a renewed exemption.*

31 *(B) The supporting information demonstrates that the package*  
32 *or packaging component is eligible for the exemption.*

33 *(3) The supporting information that a manufacturer or*  
34 *distributor shall submit to the department, before the department*  
35 *may grant an exemption pursuant to this subdivision shall include*  
36 *all of the following:*

37 *(A) Information that demonstrates that the environmental*  
38 *benefit of the controlled distribution and reuse of the package or*  
39 *packaging component is significantly greater, as compared to the*  
40 *same package or packaging component manufactured in*



1 *compliance with the maximum summed incidental concentration*  
2 *level of regulated metal set forth in subdivision (c) of Section*  
3 *25214.13.*

4 (B) A means of identifying, in a permanent and visible manner,  
5 any reusable package or packaging component, containing a  
6 regulated metal for which the exemption is sought.

7 ~~(B)~~

8 (C) A method of regulatory and financial accountability, so that  
9 a specified percentage of the reusable packages or packaging  
10 components, manufactured and distributed to other persons are not  
11 discarded by those persons after use, but are returned to the  
12 manufacturer or designee.

13 ~~(C)~~

14 (D) A system of inventory and record maintenance to account  
15 for reusable packages or packaging components, placed in, and  
16 removed from, service.

17 ~~(D)~~

18 (E) A means of transforming returned packages or packaging  
19 components, that are no longer reusable into recycled materials for  
20 ~~manufacturing or into manufacturing wastes, that are subject to~~  
21 ~~existing federal or state laws or regulations governing those~~  
22 ~~manufacturing wastes, to ensure that these wastes do not enter the~~  
23 ~~commercial or municipal waste stream.~~

24 ~~(E)—manufacturing, or a means of collecting and managing~~  
25 ~~returned packages or packaging components as a waste in~~  
26 ~~accordance with federal and state laws.~~

27 (F) A system of annually reporting to the department any  
28 changes to the system and changes in designees.

29 ~~(4) This subdivision shall apply only to a package or packaging~~  
30 ~~component manufactured on or before January 1, 2010.~~

31 ~~(4) This subdivision, and all exemption provided pursuant to it,~~  
32 ~~expire on January 1, 2010.~~

33 (g) (1) A glass or ceramic package or packaging component  
34 that has a vitrified label when tested in accordance with the Waste  
35 Extraction Test, described in Appendix II of Chapter 11  
36 (commencing with Section 66261.1) of Division 4.5 of Title 22 of  
37 The California Code of Regulations, and does not exceed 1.0 ppm  
38 for cadmium, 5.0 ppm for hexavalent chromium, ~~and~~ or 5.0 ppm  
39 for lead. A glass or ceramic package or packaging component  
40 containing mercury is not exempted pursuant to this subdivision.



1 ~~(2) This subdivision applies only to a glass or ceramic package~~  
2 ~~or packaging component manufactured on or before January 1,~~  
3 ~~2005.~~

4 ~~25214.15. A manufacturer or distributor that requests an~~  
5 ~~exemption pursuant to Section 25214.14 shall pay a fee set by the~~  
6 ~~department to pay the costs of reviewing and approving the~~  
7 ~~request. The fee shall be deposited into the Hazardous Waste~~  
8 ~~Control Account and may be expended by the department only~~  
9 ~~upon appropriation by the Legislature and only for the costs of~~  
10 ~~conducting those reviews.~~

11 ~~(2) This subdivision, and all exemptions provided pursuant to~~  
12 ~~it, expire on January 1, 2010.~~

13 ~~25214.15. (a) A manufacturer or distributor that requests an~~  
14 ~~exemption pursuant to subdivision (b), (d), or (f) of Section~~  
15 ~~25214.14 shall enter into a written agreement with the department~~  
16 ~~pursuant to which that manufacturer or distributor shall reimburse~~  
17 ~~the department, pursuant to Article 9.2 (commencing with Section~~  
18 ~~25206.1), for costs incurred by the department in processing or~~  
19 ~~responding to the request.~~

20 ~~(b) The department shall deposit all reimbursements received~~  
21 ~~pursuant to this section in the Hazardous Waste Control Account~~  
22 ~~for appropriation in accordance with Section 25174.~~

23 ~~25214.16. (a) On and after January 1, 2006, each~~  
24 ~~manufacturer, distributor, or supplier shall furnish a certificate of~~  
25 ~~compliance to the purchaser of a package or packaging component~~  
26 ~~stating that the package or packaging component is in compliance~~  
27 ~~with the requirements of this article. However, if, pursuant to~~  
28 ~~Section 25214.14, the package is exempt from the requirements of~~  
29 ~~Section 25214.13, the certificate of compliance shall state the~~  
30 ~~specific basis upon which the exemption is claimed. The~~  
31 ~~certificate of compliance shall be signed by an authorized official~~  
32 ~~of the manufacturer, distributor, or supplier. A copy of the~~  
33 ~~certificate of compliance shall be kept on file by the manufacturer,~~  
34 ~~distributor, or supplier of the package or packaging component. A~~  
35 ~~manufacturer, distributor, or supplier shall furnish a certificate of~~  
36 ~~compliance, or a copy thereof, to the department, upon its request.~~

37 ~~(b) A purchaser of a package or packaging component subject~~  
38 ~~to subdivision (a) shall retain the certificate of compliance for as~~  
39 ~~long as the package or packaging component is in use by the~~  
40 ~~purchaser.~~



1 (c) If a manufacturer, *distributor*, or supplier of a package or  
2 packaging component subject to subdivision (a) reformulates or  
3 creates a new package or packaging component, the manufacturer,  
4 *distributor*, or supplier shall provide the purchaser with an  
5 amended or new certificate of compliance for the reformulated or  
6 new package or packaging component.

7 (d) The department, pursuant to the California Public Records  
8 Act (Chapter 3.5 (commencing with Section 6250) of Division 7  
9 of Title 1 of the Government Code), shall provide the public with  
10 access to the information relating to a package or packaging  
11 component submitted by a manufacturer, *distributor*, or supplier  
12 of a package or packaging component.

13 25214.18. (a) On or before January 1, 2009, and at least once  
14 every five years thereafter, the department shall, in consultation  
15 with the Toxics in Packaging Clearinghouse, review the  
16 implementation of this article. The department shall submit a  
17 report, based upon that review, to the Governor and the  
18 Legislature. The report may contain recommendations to add  
19 other hazardous substances contained in packaging to the list set  
20 forth in subdivision ~~(e) of Section 25214.13~~ (l) of Section  
21 25214.12 in order to further reduce the toxicity of packaging  
22 waste, and a description of the nature of the substitutes used in lieu  
23 of ~~lead, mercury, cadmium, and hexavalent chromium.~~ of  
24 *regulated metal*.

25 (b) The department shall, in consultation with the Toxics in  
26 Packaging Clearinghouse, review the ~~extension of any~~ *expiration*  
27 *date of an* exemption condition granted pursuant to ~~Section~~  
28 ~~25214.14~~ *subdivision (c), (e), (f), or (g) of Section 25214.14 and*  
29 *determine whether to extend that expiration date*. This review shall  
30 commence no later than the January 1 that is two years prior to the  
31 expiration of the exemption *condition*. A report based upon that  
32 review shall be submitted to the Governor and the Legislature by  
33 January 1 of the year prior to the expiration of the exemption  
34 *condition*.

35 25214.19. This article does not affect any duty or other  
36 requirement imposed under any other federal or state law.

37 SEC. 2. No reimbursement is required by this act pursuant to  
38 Section 6 of Article XIII B of the California Constitution because  
39 the only costs that may be incurred by a local agency or school  
40 district will be incurred because this act creates a new crime or



1 infraction, eliminates a crime or infraction, or changes the penalty  
2 for a crime or infraction, within the meaning of Section 17556 of  
3 the Government Code, or changes the definition of a crime within  
4 the meaning of Section 6 of Article XIII B of the California  
5 Constitution.

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